

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/535,378

Applicant : Mark H. Kaplan, Xue-Ping Wang and Michael H. Dosik

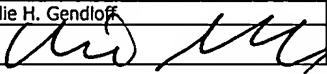
Filed : November 21, 2003 (International); May 19, 2005 (35 U.S.C. 371)

TC/A.U. : Not yet determined

Examiner : Not yet determined

Docket No. : 50425/223

Customer No. : 1912

"Express Mail" mailing label No. EV 800501763 US	
Date of Deposit: June 29, 2006	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature: 	

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) AND  
PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is to the Notification of Missing Requirements under 35 U.S.C. 271 in the United States Designated/Elected Office (DO/EO/US) dated December 30, 2005 for the above-identified application. With this Reply, Applicants request a four month extension of time and include the \$795 for that extension (small entity) in the enclosed check. With that extension, this Reply is due June 30, 2006 and is timely filed.

Oath or Declaration

Applicants enclose a Declaration of the inventors, in compliance with 37 C.F.R. 1.497(a) and (b). The signature pages of the Declaration is scanned and printed from the original.

06-30-06  
IAP6 Rec'd PCT/PTO 29 JUN 2006  
PC/T/8  
T2224  
US PTO  
629606

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June 29, 2006

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Via Express Mail  
(EV 800501763 US)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Date of Deposit: June 29, 2006	
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Name:	Elie H. Gendloff
Signature: <i>Elie H. Gendloff</i>	

Re: U.S. Patent Application Serial No. 10/535,378  
(U.S. National Phase Entry of PCT/US03/37200)  
Title: ELF3 GENE COMPOSITIONS AND METHODS  
Inventors: Mark H. Kaplan, Xue-Ping Wang and Michael H. Dosik  
Our File: 50425/223

Dear Sir:

Pursuant to our receipt of a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," enclosed please find the following documents for filing with the above-identified patent application in the names of Mark H. Kaplan, Xue-Ping Wang and Michael H. Dosik, entitled ELF3 GENE COMPOSITIONS AND METHODS, comprising the following:

1. a copy of a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" dated December 30, 2005 for the above-identified case (2 pages);
2. a "Reply to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) and Preliminary Amendment" with a 4-month extension of time requested therein (7 pages);
3. a Fee Transmittal, Form PTO/SB/17 (1 page);

Commissioner for Patents  
Serial No. 10/535,378

-2-

June 29, 2006

4. a copy of the signed Declaration in compliance with 37 C.F.R. § 1.497(a) and (b) (3 pages total);
5. a Sequence Listing in both computer-readable form (1 diskette) and written form (21 pages);
6. an Information Disclosure Statement, Forms PTO/SB/08A (1 page) and PTO/SB/08B (2 pages) with 14 non-US patent references attached thereto;
7. an Amster Rothstein & Ebenstein LLP check in the amount of \$860 to cover the four-month extension of time fee and the late declaration surcharge, claiming small entity status; and
8. a return receipt postcard.

Small entity status was previously established and is still proper.

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning same to us.

Respectfully submitted,

Amster, Rothstein & Ebenstein LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
212 336 8000

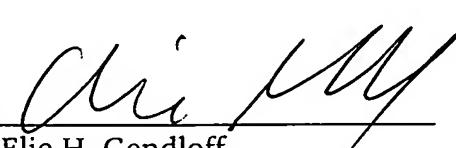
07/10/2006 MKAYPAGH 00000118 10535378

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65.00 OP

Dated: New York, New York  
June 29, 2006

By:

  
Elie H. Gendloff  
Registration No. 44,704

07/10/2006 MKAYPAGH 00000118 10535378

02 FC:2254

795.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,378	Mark H Kaplan	50425/223
		INTERNATIONAL APPLICATION NO.
		PCT/US03/37200
		I.A. FILING DATE      PRIORITY DATE
		11/21/2003      11/22/2002
<b>CONFIRMATION NO. 1608</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000017718147*		

Date Mailed: 12/30/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005
- Specification filed on 05/19/2005
- Claims filed on 05/19/2005
- Abstracts filed on 05/19/2005
- Drawings filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

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Telephone: (703) 308-9140 EXT 214

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PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.

10/535,378

INTERNATIONAL APPLICATION NO.

PCT/US03/37200

ATTY. DOCKET NO.

50425/223

FORM PCT/DO/EO/905 (371 Formalities Notice)

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
**860**

## Complete if Known

Application Number	10/535,378
Filing Date	November 21, 2003 (I.A.)
First Named Inventor	Mark H. Kaplan
Examiner Name	to be determined
Art Unit	to be determined
Attorney Docket No.	50425/223

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify): Deposit Account Deposit Account Number: **01-1785** Deposit Account Name: AMSTER ROTHSTEIN & EBENSTEIN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

## Small Entity

Fee (\$)

Fee (\$)

Each independent claim over 3 (including Reissues)

200

100

Multiple dependent claims

360

180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)		
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	-	/ 50 = (round up to a whole number) x	=	

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): late declaration surcharge and four-month ext. of time fee - small entity status

\$860

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	44,704	Telephone	212-336-8000
Name (Print/Type)	Elie H. Gendloff			Date	June 29, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.